

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

TERRI SIMMONDS, )  
                        )  
Plaintiff,           )                      Case No. 3:09-CV-01201  
v.                     )  
                        )                      Judge Haynes/Knowles  
WAL-MART STORES, INC., )  
                        )  
Defendant.           )

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Defendant, Wal-Mart Stores, Inc., ("Wal-Mart") files this motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. This Court should grant the Defendant's motion for summary judgment because there are no genuine issues of material fact in this case.

A memorandum of law and separate statement of undisputed facts in support of this motion are being filed contemporaneously herewith.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2010, a true and correct copy of the foregoing was served via CM/EMF filing upon the attorneys of record.

s/ Julie Y. McLaughlin